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# Before the FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554

In re Applications of

AURIO A. MATOS

LLOYD SANTIAGO-SANTOS and LOURDES

RODRIGUES-BONET

For Construction Permit for a New
FM Station on Channel 293A in
Culebra, Puerto Rico

MM Docket No. 93-89

File No. BPH-911115MP

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RECEIVED

To: The Review Board

FEDERAL COMMUNICATIONS COMMISSION OFFICE OF THE SECRETARY

#### PETITION FOR LEAVE TO AMEND

Aurio A. Matos ("Matos"), by his counsel and pursuant to Section 73.3522 of the Commission's Rules respectfully petitions for leave to amend his application in compliance with Section 1.65. By this amendment, Matos reports that the Federal Aviation Administration ("FAA") has issued a Determination of No Hazard with respect to the site he proposed in his February 7, 1994 Petition for Leave to Amend (the "February Amendment").

In the February Amendment, Matos proposed a tower height of 210 feet. On March 16, 1994, the FAA informed Matos that a 210 foot tall tower would have an adverse effect on instrument altitudes at the site he proposed, but that if he agreed to reduce the height to 99 feet, that problem would be abated and the proposal could be circulated for comment.

The Determination recites that Matos' proposed tower site will pose no hazard to air navigation with a tower height of 99 feet.

Matos asks that this Determination be associated with his

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application. An amendment of Matos' technical proposal, reflecting the reduction in power height will be filed shortly.

Good cause exists for the acceptance of this amendment. The amendment is being offered in a timely manner, will not cause the addition of parties or issues to the proceeding, will not prejudice other parties and will result in no comparative advantage to Matos. See Erwin O'Connor Broadcasting Co., 22 FCC 2d 140, 143 (Rev. Bd. 1970).

WHEREFORE, it is respectfully requested that Matos' proposed amendment be accepted.

BROWN, NIETERT & KAUFMAN 1920 N Street, N.W. Suite 660 Washington, D.C. 20036 (202) 887-0600

May 5, 1994

Respectfully submitted,

scott C. Cinnamon

His Attorney

FROM: WCXQ 1040 AM CADENA NOTI UND PHONE NO.: 877 1060

To:

Federal Communications Commission

From:

Aurio A. Matos

Re:

Amendment of Application BPH-911114MS

Date:

May 4, 1994

I respectfully amend my application to report receipt of the attached Determination of No Hazard concerning the site I proposed in my February 1994 amendment. The Determination is for a tower height of 99 feet instead of the 210 feet I proposed in February.

Aurio A. Matos



US Department of Transportation

Federal Aviation Administration SOUTHERN REGION ATTN: ASO-532 P.O. BOX 20626 ATLANTA, GEORGIA 30320 404-305-5588 NAMES OF THE PARTY NO. 94-ASO-0194-03

PORSON						CONSTRUCTION LOCATION			
	Aurio Matos Barreto					PLACE NAME			
	P.O. Box 847					11			
	Mayaguez, Puerto Rico 00709			09		Culet	Culebra, Puerto Rico		
_						LATITUDE		LONGITUDE	
	1					18*19	02.84"	65°18'46.57	
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AERONAUTICAL STUDY NO. 94-ASO-0194-DE

The proposed antenna tower would be located approximately 0.55 nautical miles (NM) northwest of the Culebra Airport reference point, in Culebra, PR. It would exceed obstruction standards contained in Part 77, Subpart C, of the Federal Aviation Regulations as follows:

77.23(a)(5) by the entire proposed height, a height that exceeds an imaginary horizontal and transitional surface as applied to the Culebra Airport.

The proposal was circularized to the aeronautical public for comment. No objections was received in response to the circular.

Aeronautical study disclosed the proposed structure would have no adverse effect upon any existing or planned instrument flight rules (IFR) operations, procedures, or minimum flight altitudes.

Study for visual flight rules (VFR) effect disclosed that the proposal would not penetrate any known public use or military airport traffic pattern airspace areas. The proposal at 99 feet AGL would not penetrate altitudes considered available for VFR en route operations.

The cumulative impact resulting from the proposed construction, when combined with the impact of other existing or proposed structures. was negligible.

Therefore, it is determined that the proposed structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities and would not be a hazard to air navigation.

### CERTIFICATE OF SERVICE

I, Scott C. Cinnamon, do certify that on this 5th day of May, 1994, a copy of the foregoing was sent via first class mail, postage prepaid or delivered, as indicated, to the parties set forth below:

Honorable Joseph A. Marino, Chairman The Review Board Federal Communications Commission 2000 L Street, N.W. Washington, D.C. 20554 \*

Honorable Norman B. Blumenthal The Review Board Federal Communications Commission 2000 L Street, N.W. Washington, D.C. 20554 \*

Honorable Marjorie Reed Greene
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\* - via hand delivery
\*\* - via FCC Mailroom

Scott C. Cinnamon